

JOURNAL OF THE SENATE

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SEVENTH DAY—THURSDAY, SEPTEMBER 15, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Remember the Lord your God, for it is He who gives you power.” (Deuteronomy 8:18)

O Lord, we have been challenged with work to do and today we have the opportunity to bring it to an end. We pray that as we do so, You have directed our hearts and reasoning so that what we accomplish here may have Your blessing and we pray it will truly benefit those for whom we have intended it to help. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter

Barnitz

Bartle

Callahan

Cauthorn

Crowell

Engler

Griesheimer

Koster

Purgason

Stouffer

Champion

Days

Gibbons

Gross

Loudon

Ridgeway

Vogel

Clemens

Dolan

Graham

Kennedy

Mayer

Scott

Wheeler

Coleman

Dougherty

Green

Klindt

Nodler

Shields

Wilson—32

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

RESOLUTIONS

Senator Shields offered Senate Resolution No. 116, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roger N. Schultz, Sr., St. Joseph, which was adopted.

Senator Crowell offered Senate Resolution No. 117, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leonard “Bud” Spurlock, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 118, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William Sanford, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 119, regarding the Fiftieth Wedding

Anniversary of Mr. and Mrs. Charles McCollom, Sr., Sikeston, which was adopted.

Senator Wilson offered Senate Resolution No. 120, regarding Sally Ellis Fletcher, Rochester, New York, which was adopted.

Senator Shields offered Senate Resolution No. 121, regarding Randy Point, St. Joseph, which was adopted.

Senator Coleman offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 122

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State organizations which are dedicated to bettering the lives of individuals in local communities and neighborhoods by providing leadership in the field of health care; and

WHEREAS, the American Association of Clinical Endocrinologists has partnered with GlaxoSmithKline to launch the "State of Diabetes in America: Striving for Better Control" public awareness campaign in Saint Louis, Missouri; and

WHEREAS, in Missouri more than sixty-six percent of people with Type 2 Diabetes do not have their blood sugar levels under control according to data recently released by the American Association of Clinical Endocrinologists; and

WHEREAS, blood sugar levels that are higher than the American Association of Clinical Endocrinologists recommended A1C target of 6.5 percent or less increase the risk of developing serious and life-threatening complications, including stroke, heart attack, and loss of limbs; and

WHEREAS, meal planning, regular physical activity, and if needed, medication, alone or in combination, are the cornerstones to achieving A1C goals; and

WHEREAS, the observance of Diabetes Control Week as part of the American Association of Clinical Endocrinologists' "State of Diabetes in America: Striving for Better Control" campaign offers the opportunity to create local awareness about the need for improved blood sugar control; and

WHEREAS, the American Association of Clinical Endocrinologists is launching the "State of Diabetes in America: Striving for Better Control" campaign in Missouri as a call to action to encourage people to visit their doctor to determine their A1C level, join others in taking an oath to better manage their diabetes, and take advantage of free educational tools for better diabetes management:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join to applaud the work of the American Association of Clinical

Endocrinologists and to convey to all of those involved this legislative body's most heartfelt best wishes as they observe Monday, October 3, through Friday, October 7, 2005, as Diabetes Control Week in the state of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the American Association of Clinical Endocrinologists.

Senator Cauthorn offered Senate Resolution No. 123, regarding Jay and Marge Craig, Shelbina, which was adopted.

Senator Shields offered Senate Resolution No. 124, regarding Michael David Herring, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 125, regarding Andrew S. Carlisle, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 126, regarding Jason Robert Sten, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 127, regarding Jonathan Kemper, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 128, regarding Brandon Michael Lambert Beck, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 129, regarding Ryan E. Jones, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 130, regarding Casey M. Dupree, St. Joseph, which was adopted.

Senator Vogel offered Senate Resolution No. 131, regarding the One Hundredth Birthday of Alma Howard Schaffner, California, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **SB 1**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 4**.

Emergency clause defeated.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Chester L. Clear, as a member of the Tourism Commission;

Also,

H. John Visser, D.P.M., as a member of the State Board of Podiatric Medicine;

Also,

Beth L. Viviano, as a member of the State Mental Health Commission;

Also,

Emily S. Kiddoo, as student representative of Truman State University Board of Governors;

Also,

Herman W. Elmore, as a member and Alvin Carter, as Chairman and a member of the Missouri Commission on Human Rights;

Also,

Sheryl L. Maxwell and Dena Ladd, as members of the Children's Trust Fund Board;

Also,

Mary Sheid, Michael L. Franks, James Buford, Michael Duggan and Phyllis A. Washington, as members of the Missouri State University Board of Governors;

Also,

Renate D. Brodecker, as a member of the Board of Therapeutic Massage;

Also,

Matthew J. Landstra, as student representative of Central Missouri State University Board of Governors;

Also,

Paul R. Schmidt, Sr., as a member of the Hazardous Waste Management Commission;

Also,

Clarissa McCamy, as a member of the Missouri State Board of Nursing;

Also,

Loren Cook II, as a member of the Missouri Housing Development Commission;

Also,

Shelly R. Shetley, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Noel J. Shull, as a member of the Missouri Gaming Commission;

Also,

John R. Wittstruck, as a member of the Missouri Training and Employment Council;

Also,

Cindy Lou Seyer, as a member of the Missouri Board for Respiratory Care;

Also,

Michael C. Phillips, as a member of the Advisory Commission for Clinical Perfusionists;

Also,

Joseph Gulino, Ph.D., as a member of the Board of Geologist Registration;

Also,

Michael D. Gray and Kathleen Warman, as members of the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Michael B. Smith, as a member of the Jackson County Sports Complex Authority.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

September 14, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on September 6, 2005 for your advice and consent:

Douglas A. Albrecht, Republican, 550 Barnes Road, Saint Louis, Saint Louis County, Missouri 63112, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Robert Blitz, withdrawn.

M. Kathleen Alexander, 12620 West Highway EE, Rocheport, Boone County, Missouri 65279, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2008, and until her successor is duly appointed and qualified; vice, Kimberly McEnulty, term expired.

John L. Bognar, 5970 Pembroke Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Board of Geologist Registration, for a term ending April 11, 2007, and until his successor is duly appointed and qualified; vice, John Howard, term expired.

William M. Duff, M.D., 6552 Robyn Point, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2008, and until his successor is duly appointed and qualified; vice, Terry Butler, term expired.

Charles Royce Fugate, 2605 Lee Anna Drive, West Plains, Howell County, Missouri 65775, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2008, and until his successor is duly appointed and qualified; vice, Josephine Emerick, term expired.

Quentin L. Jennings, Democrat, 2107 Grand Boulevard Unit 104, Kansas City, Jackson County, Missouri 64108, as a member of the Kansas City Board of Election Commissioners, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Rosa James, term expired.

Sharad P. Parikh, M.D., 11634 West Florissant Avenue, Florissant, Saint Louis County, Missouri 63033, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, Jacquelyn Garrett, term expired.

Gwenna Peters, 1208 Elsdon Drive, Columbia, Boone County, Missouri 65203, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2007, and until her successor is duly appointed and qualified; vice, Melba Hale, term expired.

Deborah Kay Polc, 4203 South Kerrington Drive, Independence, Jackson County, Missouri 64055, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2010, and until her successor is duly appointed and qualified; vice, Frances Tourdot, term expired.

Francis G. Slack, 1 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 27, 2007, and until his successor is duly appointed and qualified; vice Maan Jawad, resigned.

Merrill D. Wade, 16363 Champion Drive, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Small Business Regulatory Fairness Board, for a term ending April 30, 2008, and until his successor is duly appointed and qualified; vice, 536.305 RSMo.

Michael K. Whitehead, Republican, 4613 North East Jamestown Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2006, and until his

successor is duly appointed and qualified; vice, Dorothy Greene, term expired.

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons moved that the above appointments be returned to the Governor, pursuant to his request, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HB 3, entitled:

An Act to repeal section 1 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13, 2005, and to enact in lieu thereof one new section relating to the posting of certain information on the Internet, with a penalty provision and an emergency clause.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **HCS for HB 3** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 2, entitled:

An Act to repeal section 210.117 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for house committee substitute no. 2 for house bill no. 568 and approved by the governor on June 24, 2005, and section 210.117 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute no. 2 for senate bill no. 155 and approved by the governor on July 14, 2005, and section 210.117 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13,

2005, and section 211.038 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for house committee substitute no. 2 for house bill no. 568 and approved by the governor on June 24, 2005, merged with section 211.038 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute no. 2 for senate bill no. 155 and approved by the governor on July 14, 2005, merged with section 211.038 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13, 2005, and section 211.181 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13, 2005, and section 311.310 as enacted by the first regular session of the ninety-third general assembly in senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 972 and approved by the governor on July 13, 2005, merged with section 311.310 as enacted by the first regular session of the ninety-third general assembly in house committee substitute for senate substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424 and approved by the governor on July 13, 2005, and section 311.310 as enacted by the first regular session of the ninety-third general assembly in house committee substitute for senate substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424 and approved by the governor on July 13, 2005, and section 565.024 as enacted by the first regular session of the ninety-third general assembly in senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 972 and approved by the governor on July 13, 2005, merged with section 565.024 as enacted by the first regular session of the ninety-third general assembly in house

committee substitute for senate substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424 and approved by the governor on July 13, 2005, and section 568.050 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, and section 568.050 as enacted by the first regular session of the ninety-third general assembly in senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 972 and approved by the governor on July 13, 2005, merged with section 568.050 as enacted by the first regular session of the ninety-third general assembly in house committee substitute for senate substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424 and approved by the governor on July 13, 2005, and section 577.023 as enacted by the first regular session of the ninety-third general assembly in senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 972 and approved by the governor on July 13, 2005, merged with section 577.023 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, and section 577.023 as enacted by the first regular session of the ninety-third general assembly in house committee substitute for senate substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424 and approved by the governor on July 13, 2005, merged with section 577.023 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, and section 577.625 as enacted by the first regular session of the ninety-third general assembly in conference committee

substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, and section 577.628 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, and to enact in lieu thereof seven new sections relating to crime, with penalty provisions and an emergency clause.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HCS** for **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields

Stouffer Vogel Wheeler Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 4** and **SB 1**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 1** and **SB 4**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 1**.

On motion of Senator Shields, the Senate recessed until 12:00 noon.

RECESS

The time of recess having expired, the Senate was called to order by Senator Vogel.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 2** and **HCS** for **HB 3** having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President

Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SB 1 and **SB 4**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

On motion of Senator Shields, the Senate of the First Extraordinary Session of the First Regular Session of the 93rd General Assembly adjourned sine die, pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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Journal

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